

UNITED STATES DISTRICT COURT
 for the
Eastern District of Michigan

United States of America

v.

Immanuel GATES

Case No.

Case: 2:22-mj-30239
 Assigned To : Unassigned
 Assign. Date : 5/19/2022
 SEALED MATTER (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 10, 2020 through October 24, 2021 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(l)

Unlawfully importing a firearm.

This criminal complaint is based on these facts:

See attached affidavit.

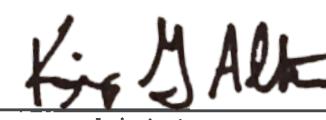
Continued on the attached sheet.

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: May 19, 2022

City and state: Detroit, MI


Kara Klupacs
Complainant's signature
Kara Klupacs, Special Agent, ATF
Printed name and title


Hon. Kimberly G. Altman, United States Magistrate Judge
Judge's signature
Hon. Kimberly G. Altman, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT**

I, Kara Klupacs, being first duly sworn, hereby depose and state the following:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so employed since March 2018. I am currently assigned to the Detroit Field Division Group 2 – Crime Gun Enforcement Team (CGET). I graduated from the Federal Law Enforcement Training Center and ATF Special Agent Basic Training. Prior to becoming a Special Agent, I served eight years as a federal law enforcement officer with U.S. Customs and Border Protection Officer and the U.S. Secret Service Uniformed Division. During my employment with ATF, I have conducted and/or participated in dozens of criminal investigations involving the possession and use of firearms, armed drug trafficking, and criminal street gangs, among other state and federal offenses.

2. I based this affidavit on my personal knowledge, interviews conducted by myself and/or other law enforcement agents, communications with others who had personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is for the limited purpose of establishing probable cause and does not contain all facts known to law enforcement regarding this investigation.

3. Probable cause exists that, between July 10, 2020, and October 24, 2021, Immanuel GATES (B/M, DOB: XX/XX/2002) knowingly imported Glock conversion devices (machine guns) into the United States in violation of 18 U.S.C. § 922(l).

CASE BACKGROUND

4. A machinegun is a firearm under the National Firearms Act (NFA), 26 U.S.C. § 5845(a). A machinegun is defined, in pertinent part, as “any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun.” 26 U.S.C. § 5845(b).

5. A Glock conversion device – commonly referred to as “Glock Switch” or “Glock Auto Sear” – is a part, or combination of parts, designed and intended for use in converting a semiautomatic Glock pistol into a machinegun; therefore, it is a “machinegun.” The Gun Control Act, 18 U.S.C. § 922(o), prohibits the transfer or possession of a machinegun manufactured after May 19, 1986. ATF is not aware of any Glock conversion devices that were developed before May 19, 1986. As such, Glock conversion devices are considered post-1986 machineguns. Therefore, they may only be lawfully possessed by properly licensed Federal Firearms licensees who have paid the appropriate Special Occupational Tax required of those manufacturing, importing, or dealing in NFA firearms under the authority of the United States and any department or agency thereof or a State or a department, agency, or political subdivision thereof. U.S.C. § 922(o).

6. Pursuant to ATF rulings and regulations, “Glock Switches” in and of themselves have been classified as machineguns pursuant to the definition appearing in 26 U.S.C. § 5861(d).

7. Industry Operations Intelligence Specialist (IOIS) Klockenga queried GATES in the National Firearms Act Registration and Transfer Record (NFRTR) with negative results. IOIS Klockenga also found that GATES does not possess a license to import firearms.

PROBABLE CAUSE

8. I am part of an active investigation into a violent street gang, operating in Pontiac, called the Rblock. Based on the information collected during the Rblock investigation, GATES is a member of Rblock.

9. Based on my investigation, GATES has utilized the Russian website “Silencer-Sales” to illegally import Glock conversion devices, which are machine guns and therefore firearms under the NFA, into the United States. To date, ATF CGET is aware of approximately five completed transactions ordered by GATES from the website Silencer-Sales involving the importation of approximately thirty-two Glock conversion devices into the United States, including twenty Glock conversion devices intercepted by the US Customs and Border Protection (CBP).

10. The following statement of probable cause is divided into three parts. Part A details the partial review of GATES’ cellular device seized in January 2021 (Target Device #1). Part B details the partial review of GATES cellular device

seized in September 2021 (Target Device #2) and Part C details a partial review of the search warrant returns associated with a Google Account managed by the Russian Website Silencer-Sales.

PART A: ATF Review of Target Device #1

11. On November 3, 2021, Special Agent Kenton Weston obtained a copy of the forensic extraction of GATES' cell phone seized in January 2021 (Target Device #1). Subsequently, Special Agent Weston obtained a federal search warrant to review the contents of the device.

Silencer Sales Order 1653:

12. On December 20, 2021, I conducted a partial review of the forensic extraction. During my partial review of emails stored on Target Device #1, I observed an email order confirmation, dated July 10, 2020, from the website "Silencer-sales". The email was addressed to purchaser Immanuel at email address immanuelgates@gmail.com and referenced order number 1653. The order was for one "full auto Glock 17-41." The purchase price was \$100.00. The firearm was scheduled to be shipped to "Immanuel Gates at 1** Starlite Lane, Pontiac, MI 48340". The seller was listed as "Egor Gorbanenko." Gorbanenko separately emailed GATES with further details on how to obtain the part and referencing order number 1653. Gorbanenko advised GATES that they will create another link for a spare part on eBay and send GATES the eBay link. On July 14, 2020,

Gorbanenko provided a USPS tracking number RO257075899RU. On July 15, 2020, GATES emailed Gorbanenko and asked, “Can the switch go on any glock [sic] or does it have to be the glock [sic] 17”?

13. I observed an image saved to Target Device #1, dated November 26, 2020, of a Consumers Energy Utility Bill addressed to Immanuel Gates at 1** Starlite Lane, Pontiac, MI. In addition, a law enforcement database has GATES associated with the address 1** Starlite Lane in Pontiac.

14. On January 11, 2021, I queried the tracking number “RO257075899RU” in the publicly accessible United States Postal Service (USPS) website. The number was connected with a parcel shipped from Russia on July 14, 2020, and delivered to an address in Pontiac on August 18, 2020.

15. While reviewing Target Device #1, I also observed text conversations which indicated GATES possessed automatic weapons or machine guns. On October 4, 2020, GATES texted with the user of cellular device 248-xxx-xx23, a device associated with C. A. (DOB: XX/XX/2002). At approximately 7:35 p.m., GATES told C.A. he was trying to get more switches. Specifically, GATES texted C.A. “I’m tryna get some more flicks and switches.” GATES responded “Glocks.” Based on my training and experience, I believe that GATES was referring to Glock switches.

16. At approximately 7:37 p.m., GATES told C.A. that they cannot “...get flicked with the switches on they shit.” Based on my training and

experience, getting “flicked” is likely a reference to having contact with law enforcement. C.A. responds texting “Oh I’m already knowing . . . Federal Prison”.

17. At approximately 7:41 p.m., GATES texts C.A. “I’m only sliding with my shit when it’s action.” GATES also texted that they can still carry the ones (suspected firearms) without the switches, “but them fullys [“fullys” is a reference to fully automatic firearms with Glock switches] gone be put up”. Based on the context of this conversation, I believe that GATES is telling C.A. they can still carry the semi-automatic firearms. But, the automatic firearms or machine guns must be put away unless they are needed. Also, based on the context of the above text conversation, I believe GATES was successful in obtaining a Glock conversion device (Glock Switch).

PART B: ATF Review of Target Device #2

18. On January 7, 2022, Special Agent Weston obtained a copy of the forensic extraction taken of a cellphone recovered by OCSO in response to a shooting incident on September 9, 2021 (Target Device #2). OCSO subsequently identified the cellphone as belonging to GATES. On February 16, 2022, I obtained a federal search warrant for the forensic extraction of Target Device #2.

Silencer Sales Order 2461:

19. During a review of emails stored on Target Device #2, I located an email dated January 15, 2021, at 4:18 a.m., titled “Re: tOrder #1653” from GATES utilizing the email address immanuelgates@gmail.com, directly to Gorbanenko. I

recognized the order number 1653 from my previous review of Target Device #1. In the email GATES states to Gorbanenko “I want to buy another”. On January 15, 2021, at approximately 2:58 p.m., GATES received an order confirmation from the website “Silencer-sales” referencing order number 2461 and lists the seller as “Artem Prokop”. The email asks GATES if he will be using “paypal, moneygram western union or bitcoin” to pay for his order. GATES advises he will use Western Union. GATES then receives an email directly from Prokop, utilizing the email address silencsales@gmail.com, referencing order number 2461. The email provides GATES with the Western Union information to receive payment “Name: ludmila, Surname: surkova, Russia”. On January 16, 2021, at approximately 4:14 p.m. GATES sends Prokop an image (unreadable) along with a message “Sent it”. On January 18, 2021, Prokop emails GATES the USPS tracking number RO257077149RU.

20. Subpoenaed records from Western Union confirmed that on January 16, 2021, “Immanuel Gates” of 1** Starlite, Pontiac, MI sent \$100.00 via Western Union to “Ludmila Surkova” of the Russian Federation, this transaction listed a final pay date of January 17, 2021. I also queried this tracking number in the USPS public website and observed it was for a package shipped from Russia on January 18, 2021, and delivered to a residence in Waterford, MI on February 12, 2021.

21. In records obtained in March 2022 from the ATF St. Paul Field Office, I learned that Silencer Sales order 2461 was for one “full auto glock switch” The purchase price was \$100.00. The firearm was scheduled to be shipped to “M. P. at 3** glenbrooke dr Apt 1****, Waterford, MI”. Purchaser M. P. was also listed with email address immanuelgates@gmail.com. I am aware that in February 2021, GATES reported the residence 3** Glenbrooke, Apt 1**** in Waterford, Michigan to the Michigan Secretary of State as his registered address. I am also aware that during his delay of sentence probation, GATES provided this address to the Michigan Department of Corrections as his current residence until January 2022.

Silencer Sales Order 4001:

22. While reviewing emails stored on Target Device #2, I observed an additional three transactions between GATES and Prokop, with GATES utilizing the email address clydedangerf256@gmail.com and Prokop utilizing the email address silencsales@gmail.com.

23. I located a Silencer Sales email order confirmation dated June 23, 2021. The email was addressed to purchaser Magic at email address clydedangerf256@gmail.com and referenced order number 4001. The order was for five (5) “full auto Glock 17-41.” The purchase price was \$500.00. The firearms were scheduled to be shipped to “Magic Johnson” at 3** Glenbrook, Apt 1****, Waterford, MI and listed the call number of Target Device #2 as the contact phone

number. Later, Prokop separately emailed GATES asking him how he will pay for his order and referencing order number 4001. GATES responds that he will pay via Western Union.

24. On June 25, 2021, Prokop emails GATES the Western Union Information “Name: yana, Surename: evtushenko, Russia”. Later the same day, GATES advises that he sent \$500.00 and wants fast shipping. Prokop advises GATES the shipping will take 2-3 weeks. On June 30, 2021, Prokop provided USPS tracking number RR130640606RU.

25. Subpoenaed records from Western Union confirmed that on June 25, 2021, “Immanuel Gates” of 1** Starlite, Pontiac, MI sent \$500.00 via Western Union to “Yana Evtushenko” of the Russian Federation, this transaction listed a final pay date of June 28, 2021. Additionally, I contacted the United States Postal Service, who confirmed that tracking number RR130640606RU was for a parcel shipped from Russia and delivered on July 12, 2021, to the address 3** Glenbrooke, Apt 1****, Waterford, MI.

Silencer Sales Order 4207:

26. I located a Silencer Sales email order confirmation dated July 13, 2021. The email was addressed to purchaser Johnny at email address clydedangerf256@gmail.com and referenced order number 4207. The order was for five (5) “full auto glock switch” The purchase price was \$500.00. The firearms were scheduled to be shipped to “Johnny Test” at 6** Balboa Place, Pontiac MI

and listed the call number of Target Device #2 as the contact phone number. Later that same day, GATES emailed Prokop directly under the previous email chain for Silencer Sales Order 4001 and advises Prokop “I just ordered another 5”. Minutes later, Prokop responds stating “350\$”. Approximately one hour later, GATES emails Prokop again stating “Send me the Western Union name and I want 5 glock switches”. Prokop responds, emailing GATES “Name: daria, Surname: hlebnikova, Russia”.

27. On July 15, 2021, GATES emails Prokop and provides him the call number of Target Device #2 requesting for Prokop to text him because emailing is taking too long. GATES also advises Prokop to get him faster shipping, because he needs them fast. GATES further instructs Prokop to use the same address as last time. Due to this observed conversation, I believe GATES instructed Prokop to change the shipping address from 6** Balboa Place, Pontiac MI to 3** Glenbrooke, Apt 1*****, Waterford, MI. On July 21, 2021, Prokop provided USPS tracking number RR130641235RU.

28. Subpoenaed records from Western Union confirmed that on July 13, 2021, “Immanuel Gates” of 1** Starlite, Pontiac, MI sent \$350.00 via Western Union to “Daria Hlebnikova” of the Russian Federation, this transaction listed a final pay date of July 19, 2021. Additionally, I contacted the United States Postal Service, who confirmed that tracking number RR130641235RU was for a parcel

shipped from Russia and delivered on July 31, 2021, to the address 3**
Glenbrooke, Apt 1****, Waterford, MI.

Silencer Sales Order 5010:

29. I located an email order confirmation dated September 8, 2021, at approximately 3:19 p.m., from the website “Silencer-sales”. The email was addressed to purchaser K. at email address clydedangerf256@gmail.com and referenced order number 5010. The order was for twenty (20) “full auto glock switch.” The purchase price was \$2000.00. The firearm was scheduled to be shipped to “K. G.” at 3** Glenbrook, Apt 1****, Waterford, MI and listed a contact phone number the same as the call number for Target Device #2. At approximately 3:23 p.m., Prokop separately emailed GATES asking him how he will pay for his order and referencing order number 5010. GATES responds that he will pay via Western Union.

30. At approximately 3:25 p.m., (2 minutes after the emails between GATES and Prokop) GATES receives a text message from an unidentified cellular device utilizing cell phone number +7 (966)XXX-XX-XX asking GATES if he made a new order. I recognize this phone number from a previous Silencer-Sales order confirmation screenshot I observed stored on Target Device #2. GATES confirms that he did place a new order. The unidentified individual (assumed to be Prokop), requests GATES to use Bitcoin to pay. GATES advises that he will pay with Western Union and states “Can I just pay WesternUnion bro...I spend so

much money with y'all". The unidentified individual responds "Info for western union: Name: Natalia Surname: skichko Russia For cash". GATES asks if he can pay \$1,185.00, stating it is the price he paid last time and that he wants the fastest shipping. The unidentified individual confirms the price with GATES and advises that with the added shipping the cost will be \$1220.00 total. At approximately 3:37 p.m., GATES sends the unidentified individual a Western Union completion of transfer receipt from mannygates4620@icloud.com to "Natalia".

31. Subpoenaed records from Western Union confirmed that on September 8, 2021, "Immanuel Gates" of 1** Starlite, Pontiac, MI sent \$1220.00 via Western Union to "Natalia Skichko" of the Russian Federation. This transaction listed a final pay date of September 13, 2021.

32. In September of 2021, US Customs and Border Protection (CBP) intercepted an international package with USPS tracking number RR099009060RU, addressed to "K. G." and labeled as "spare lawnmower parts" shipped from Russia to 3** Glenbrooke, Apt 1****, in Waterford. Upon inspection of the package, the shipment was found to contain what CBP recognized to be twenty Glock switches, these items were later seized.

33. On March 1, 2022, ATF CGET took possession of the package intercepted by CBP and found it to contain Glock switch parts, specifically, two of the three parts required to make nineteen Glock switches. Separately, I submit photographs of the seized parts to the ATF Firearms and Ammunition Technology

Division (FATD), for a verbal determination. According to FATD, based on the photographs of the seized package, the parts seized by CBP were considered parts only and were missing the final piece to make a full Glock conversion device. FATD also advised that the parts seized were considered parts with no other purpose than to make a Glock conversion device (Glock Switch).

PART C: Review of Silencer-Sales Gmail Account

34. On December 10, 2021, the ATF St. Paul Field Office, obtained a federal search warrant for the Google Account associated with the email address silencsales@gmail.com, associated with the website Silencer-Sales and seller “Artem Prokop”.

35. On March 9, 2022, I obtained copies of the records received by ATF St. Paul from Google containing the observed emailed conversations between the email addresses immanuegates@gmail.com and clydedangerf256@gmail.com, associated with GATES, and the email address silencsales@gmail.com, associated with Prokop.

36. While reviewing the conversations between GATES and Prokop, I observed an email dated October 9, 2021, titled “Re: Order #5010” from clydedangerf256@gmail.com sent directly to Prokop stating “I paid and my order was seized at customs can you resend them I ordered 20 switches”. Approximately twelve hours later, Prokop responds stating “Yes”. Approximately 40 minutes later, GATES emails Prokop again under the same email conversation providing

the address “3** prospect, Pontiac, Michigan 48341” one minute later GATES emails Prokop to advise he wants the fastest shipping, specifically stating “I need the fastest shipping please I paid for that too”. On October 14, 2021, GATES sends Prokop a screenshot taken of the USPS Public tracking website depicting Tracking Number RR099009060RU, which is shown being processed by United States Customs. GATES and Prokop then discuss whether GATES will have to repay Prokop to resend the Glock Switches. GATES asks Prokop if he needs the address. Prokop then asks GATES if he has Snapchat and appears to indicate they will continue the conversation on that messaging platform.

37. In October 2021, CBP intercepted an international package with USPS tracking number EE043770862RU, addressed to “G. S.” and labeled as “Furniture mount clips” shipped from Russia to 3** Prospect, in Pontiac. Upon inspection of the package, the shipment was found to contain what CBP recognized to be twenty Glock switches, these items were later seized.

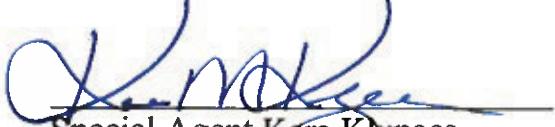
38. I contacted the OCSO, regarding the address 3** Prospect in Pontiac, MI. Per OCSO, the address 3** Prospect is a known Rblock gang residence and is associated with J. W. (B/M, DOB: XX/XX/2003), a known Rblock member and associate of GATES. In addition, I queried USPS tracking number EE043770862RU, in the USPS public website and observed it was for a package shipped from Russia on October 20, 2021, a time frame consistent with the emailed conversations between GATES and Prokop.

39. On March 17, 2022, ATF CGET took possession of the package intercepted by CBP and found it to contain twenty Glock conversion devices, specifically, what appeared to be all three parts necessary to make twenty Glock conversion devices (Glock Switches). Separately, I submit photographs of the seized parts to FATD, for a verbal determination. According to FATD, based on the photographs of the seized package, these parts were Glock conversion devices, and considered to be machineguns under the law.

CONCLUSION

40. Probable cause exists that, between July 10, 2020, and October 24, 2021, GATES, who does not possess a license to import firearms, or a license to possess and transfer NFA weapons, knowingly imported Glock conversion devices (firearms) into the United States in violation of 18 U.S.C. § 922(l).

Respectfully submitted,



Special Agent Kara Klupacs
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my presence and/or by reliable electronic means.



Hon. Kimberly G. Altman
United States Magistrate Judge

Date: May 19, 2022